The Indoeuropean Sources of Armenian Law Terminology

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The scholars who consider the question of Armenian law termi-
nology usually take into consideration the technical terms referring to
the later historical periods - the period of the developed state law.
Moreover, usually terms of Iranian origin are discussed, such as
awrēnkʿ 'law', *dat* 'court', *datawor* 'judge', *dawačan* 'traitor', *vkay*
'witness', etc.,[1] whereas the primordial Indoeuropean terms have not
yet become the subject of scientific issue. Meanwhile, the reconstruc-
tion of the special archaic layer of the Armenian law terminology,
which reflects the most ancient law relations of the Indoeuropeans
(prédroit - in L. Gernet's terminology), is of vital importance both for
the history of the Armenian people and for their culture.

Before passing to the main topic of this paper - the analysis of the
Indoeuropean law terminology in the Armenian tradition, it is neces-
sary to mention two methodological principles which we apply in
this research. First, to analyze the law terms of Armenian means to
reveal at least partially the sources of the law system of the Indoeuro-
peans, and thus fill the gaps in the general picture of the Indoeuro-
pean culture. It is taken for granted that language is the main means of
penetrating into the history and culture of the Indoeuropeans, into the
peculiarities of their civilization.

Second, in order to escape the modernization of the ancient law
terms it is necessary to examine the general historical background
which determines the original semantic motivation of these terms and

pick up such terms, which might be reconstructed by comparison of different Indoeuropean languages, with words which are more or less reflected in the etymological dictionaries of the Indoeuropean languages. It is but natural that we exclude the newly coined words and borrowings from our consideration.

The following Armenian law terms of Indoeuropean origin should be mentioned:

Arm. *ard* 'order', *ardar* 'just, justified, lawful', *ardanal* 'to justify oneself', 'to put oneself right': Skt. *r̥tá-* 'law', Av. *aša* (= *arta*)² 'just, true', OPer. *arta* 'law, right', OCS *rědǔ* 'order', ORuss. *r'adǔ* 'agreement, treaty', *orudije* 'lawsuit', Lat. *ritus* 'custom, rite', cf. Gk. ἀραρίσκω 'to unite, consolidate', IE *ar- 'to join, add, fit, adapt'.

Arm. *atean* 'court, meeting'³: ORuss. *v sud'ě, siděli* (Novg. Sudn. Gramota 1471), Russ. *sud'ebnoje zasedanije*, Pol. *siędzia siędzie na są d* (Statut Wislicki, II, 14), Czech. *kteřiž v sudě sedie* (Řád prava Zemskeho, 66, XIVc.), Germ. *Gesetz* 'law' (IE *sed- 'to sit').

Arm. *ban* 1. word, 2. commandment, order, command: OHG *ban* 'interdiction', 'prohibition', OIce. *bann* 'interdiction, banishment', OIr. *bann* 'prohibition, law', cf. Gk. φήμη 'speech, word, prophetic word, soothsaying', Lat. *fanum* 'sacred thing', OCS *bajǫ, bajati* 'to tell, cast a spell, to heal, cure'.

Arm. *erdumn* 'oath', *erdnum* 'to make an oath': Gk. ῥήτρα 'maxim, agreement', Skt. *vratám* 'rule', commandment, law, vow', Av. *urvata* 'law, religion', OCS *rota* 'oath, oath of allegiance' (IE *wer- 'to speak solemnly').

Arm. *ganel* 'to blame, reproach; beat': OCS *iz-gan'ati* (Zogr. Ev.) 'to banish', cf. Skt. *hánti* 'he strikes', Ir. *gonim* 'to kill' (IE *gʷhen- 'to beat').

Arm. *gerp'em* 'to rob; to destroy, ruin': OCS *vrapǔ* 'raid, attack, robbery', ORuss. *voropǔ* id., Russ. *vor*⁴ (IE *wer- 'to find, take').

Arm. *harc'* 'question', *harc'uporj* 'inquest, interrogation': Skt. *prās* 'inquest, examination', OCS *vǔprosǔ* 'question', *do-prosǔ* 'inquest'; cf. Lat. *precor* 'to ask', Tokh. A *pärk*, B *prak* 'to ask', etc. (IE *prek̑-, *pr̥k̑- 'ask, inquire').

Arm. /h/*ayc'* 'charge, accusation, examination, inquiry, inquest, action, retribution, punishment' (usually in law formulas); Russ. *isk* 'complaint, charge', Lith. *ieškóti* 'to look for' (IE *ais- 'to ask, demand, look for').

Arm. *isk* 'truth; essential, true': OCS *istǔ, istovǔ* 'truth, true; ORuss. *istǐcǐ* 'plaintiff' (IE *es- 'to be, exist').

Arm. *k'aruak* 'disgraceful, shameful', *k'aruak kal* 'to disgrace,

put to shame'[5]: OCS *karati* 'to punish, inflict penalty', *oukorŭ* 'shame, disgrace', Lat. *karināre* 'defame, ridicule', OHG *harawēn* 'to mock' (IE *kar-* 'to mock, punish, defame').

Arm. *kʻēn* 'vengeance': Av. *kaēnā* 'retribution, vengeance, punishment', Gk. ποινή 'vengeance, punishment, fine', Serb. Cr. *kắjati* 'revenge', cf. Proto Sl. *cena* 'price of punishment' (IE *kʷeinā- / *kʷoinō-* 'vengeance, punishment, price of punishment').

Arm. *urast* 'perjury', *uranal* 'to deny, refuse to acknowledge', Gk. ἀρνέομαι 'to deny', Alb. *nërroj* (*rrënoj*) id. (IE *ar-* 'to deny, deflect').

On the basis of the data given above, it is possible to draw the following conclusions:

1. The law terminology of Armenian includes a considerable number of notions dating back to the period of Common Indoeuropean. Such are the concepts of 'order', 'truth', several terms of lawsuit, 'crime', 'punishment', etc. Such concepts as 'law', 'right', etc. are absent. It can be explained by the absence of law institutions (in the modern sense) and the corresponding terminology which might be traced back to the Common Indoeuropean. Thus, e.g., the notion of 'right' in each Indoeuropean language originates from different sources. Cf. Lat. *ius*, Gk. νόμος, Arm. *irawunkʻ*, OSl. *pravo*, Lith. *teíse*, Lett. *líkumí*, Skt. *dhārma*, Av. *aša*, Goth. *witop*.

2. Law terms of Armenian in most cases have their parallels in the majority of Indoeuropean languages, and they can testify to the law relations existing among ancient Indoeuropeans. They reveal some common tendencies, which later led to the establishment of law terminology. The terms of law of the Indoeuropeans rise from such concepts as: the existence and location in space (*es-*, *sed-*), physical actions and purposeful activity (*gʷhen-*, *ar-*, *wer-* 'to find'), social state and moral estimation (*kar-*, *kʷeinā-*), as well as some related concepts of verbal activity (*bhā-*, *wer-* 'to speak solemnly', *prek-* 'to ask', *ar-* 'to deny'), etc. Later on, new terms of law came into existence on the basis of already existing Indoeuropean roots: Cf. Arm. *merucumn* 'murder' > *mer-* 'to die', *y-ancʻankʻ* 'crime' > *sent-* 'to go; feel', etc.

3. The closest relation in this semantic group is revealed between Armenian and Eastern area Indo-Iranian and Slavic. It is worth mentioning that there is no close relationship between Armenian and Greek in this field of lexicon.

4. The present analysis makes it possible to outline the concept of court in the Armenian linguistic tradition as compared to the corresponding concept in other Indoeuropean languages. Cf. Arm. *atean*

'court, sitting of the Court', Sl. *sǫdŭ < IE *som- is a prefix, denoting joint action + IE *dhē- 'to do, put, set', which is parallel to Hitt. šan. . .dai 'to set up, establish, agreement', Skt. sam dhā 'establish agreement', Gk. συν-θεσία 'agreement, condition'). It is obvious that the notion of court presupposes a collective action. The ancient court was probably a large gathering in open places or in places of offering. In general, the Indoeuropean law system had probably had a tribal organization which still existed in ProtoArmenian. The clan being a unit of kinship has already acquired the corresponding rights of government and thus represented a unit of legality. The clan (and later the clan units) was the first subject of rights.

FOOTNOTES

[1] H. Ačarean. *Hayoc' lezvi patmut'yun.* Yerevan, 1940, p. 296. A.G. Perikhanian. *Sasanidskij sudiebnik (mātahdān i hazār datastān).* Yerevan, 1973, p. 430-559.

[2] L. Gernet. *Anthropologie de la Grèce antique (III - Droit et prédroit).* Paris, 1968, p. 173-301.

[3] H. Ačarean. *Hayeren armatakan bararan I.,* Yerevan, p. 286-287. A.G. Perikhanian (idem, p. 442) finds that the Arm. *atean* is an Iranian borrowing and compares it with the Middle Persian *atēn* 'receipt', (MidPer. *dyn* 'entrance' *ati* + *ayana*), which is not cogent semantically.

[4] Until now the East-Slavic *vor* 'thief' has had no convincing etymology (cf. M. Fasmer, *Etymologičeskij slovar russkogo jazyka.* vol. I, M.1964, p. 361). The drawing in of the OCS *vrapŭ* (na-vrapŭ), ORuss. *voropŭ* into examination, as well as the Arm. *gerp'em* 'to attack, rob, destroy' makes it possible to suggest a new etymology of the Russian *vor*. For the Arm. *gerp'em*, OCS *vrapŭ*, ORuss. *voropŭ* a single preform may be suggested *wer-p(h). If *-p(h)- is an extention, the word may be traced back to the IE *wer- 'to find, take, seize' as well as the East-Slav. *vor*. with the reconstructed IE form *woros.

[5] Until now the Arm. *k'aruak* 'shameful, disgraceful', *k'aruak kal* 'to disgrace, put to shame' has had no etymology (Ačarean, *Hayeren armatakan bararan.* IV, 1979, /2nd ed./, p. 564). The semantics of the word and its stem phonology permit us to compare it with the Proto Sl. *kara 'punishment, penalty', *korŭ 'insult', OHG *harawēn* 'to mock, jeer, ridicule' and reconstruct the Indoeuropean *karew- (cf. the structurally close OHG *harawēn* with the analogous suffice *-w-).

[6] L. SaradJeva, "Indoevropejskaja socialnaja terminologija" - IX Meždunarodnyj s'ezd slavistov, 6-11 September, 1983, Kijev - Materialy sovetskoj delegacii.